

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 2986 of 2007(E)

**AGAINST THE ORDER DATED 24/01/2006 IN IA 1121/2005 IN
OS.222/2005 OF MUNISIFF-MAGISTRATE.COURT,PONNANI**
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PETITIONER:

**PADAPUZHA VARIATH KUMINI @ SREEDEVI
VARASSIAR BY MUKTHIAR RUDRAN @ MOHANA VARIER,
56 YEARS, THRIKKANDAPURAM AMSOM, VELLANCHERI DESOM
PONNANI TALUK.**

**BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR**

RESPONDENTS:

**JAYAGOVINDAN, 56 YEARS,
S/O.KARAMBATHOOR BHANUMATHI AMMA,
THRIKKANDAPURAM AMSOM, KADAKASSERI DESOM,
PONNAI TALUK.**

BY ADV. SRI.SANTHEEP ANKARATH

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 2986/2007 E

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER IN IA NO. 1121/2005 IN OS NO. 222/2005 DT. 24/1/2006.

EXT.P2. COPY OF THE ORDER IN IA NO. 279/2006 IN CMA NO. 1/2006 DT. 18/2/2006.

EXT.P3. COPY OF THE JUDGMENT IN CMA NO. 1/2006 DT. 28/08/2006.

True copy

tga

M.N.KRISHNAN, J

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W.P.(C) No.2986 OF 2007

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Dated this the 29th day of May, 2007

JUDGMENT

This writ petition is filed to quash Exts.P1 and P3. Both the courts concurrently found that the plaintiff is not entitled to injunction as prayed for. I am informed that the suit is ripened for trial and therefore I dispose of the writ petition with a direction to the trial court to dispose of the suit untrammelled by the observations contained in Exts.P1 and P3 when it is ripened for trial. It is also submitted by the counsel for the petitioner that in the event of necessity his client may be permitted to file an application for amendment of the plaint by converting the suit for recovery of possession on the strength of title. The writ petitioner is at liberty to move such application and it is for the court to pass appropriate orders after hearing the other side on merits.

M.N.KRISHNAN, JUDGE

Cdp/-